REMARKS:

This paper is herewith filed in response to the Examiner's final Office Action mailed on November 23, 2010 for the above-captioned U.S. Patent Application. The above office action is a rejection of claims 1-5, 7-10, 12-22, 24-28, and 30 of the application.

More specifically, the Examiner has rejected claims 1-2, 8-9, 12, 15-18, 22, and 24-25 under 35 USC 103(a) as being unpatentable over Dorenbosch (US20040203793) in view of Kuita (US20030139171); rejected claims 3, 13, and 26 under 35 USC 103(a) as being unpatentable over Dorenbosch in view of Kuita and further in view of Crockett (US20030153343); and rejected claims 4-5, 10, 19-20, and 27-28 under 35 USC 103(a) as being unpatentable over Dorenbosch in view of Kuita and further in view of Davidson (US6,577,862). The Applicants disagree with the rejections.

Further, the Applicants note that the Examiner has indicated that claims 7, 21, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations in the base claim and any intervening claims. The Applicants thank the Examiner for this indication of allowance.

Claims 12 and 24 have been amended. Support for the amendments can be found at least in Figures 1 and 3 and on page 5, line 31 to page 6, line 10. No new matter is added.

Amendment to independent claim 12

It is noted that independent claim 12 has been amended to recite in part "at a core network at least one of recognize or transmit post-speech packets on a packet data channel responsive to a packet indicating an end of speech samples." The core network feature is already indicated in claim 1. Further, it is noted that the Examiner is citing the same references against claim 12 as cited against claim 1. Therefore, the Applicants submit that this amendment to claim 12 is not

seen to require a further search. For at least this reason the Examiner is respectfully requested to allow this amendment in this Response to the final Office Action.

Objection to Claim 24

It is noted that, as suggested by the Examiner on page 2 of the Office Action, claim 24 has been amended to recite in part "A computer readable memory encoded with a computer program executable by a processor to perform actions comprising." The Applicants submit that for at least this reason the objection to claim 24 is seen to be overcome and the objection should be removed.

Rejection of independent claim 1

Claim 1 recites:

> "A method, comprising: communicating in a cellular communications network through a dedicated channel comprising both an uplink and a plurality of downlinks; controlling a flow of data packets by at least one of a server function and a server in a core network; and keeping up the dedicated channel after a last speech sample packet is sent downlink from the core network by sending post-speech packets for a time of such duration that a new uplink can be established utilizing at least one downlink from the core network, wherein the at least one of the server function and the server in the core network transmits the post-speech packets to the plurality of downlinks responsive to a packet indicating an end of speech samples from the uplink, wherein at least one post-speech packet includes information intended for a user of at least one receiving terminal, and wherein post-speech packets are also sent to a terminal that used the uplink."

In the final Office Action the Examiner asserts that Dorenbosch discloses:

> "In regard to Claim 1, Dorenbosch teaches in paragraphs [0023], [0024], [0028] and [0029], and in FIGS 1 and 3, when a remote unit initially presses a push-to-talk button, a PTT_on message is sent to a serving base station, causing a set of resources to be allocated, and when the remote unit releases the push-to-talk button, the remote unit sends a PTT_off indication to the base station the resources remain dedicated to the remote unit for some period of time (hang time, e.g., 12 seconds), and during the time when the user is not depressing the push-to-

> talk button, the base station transceiver subsystems send idle frames to preserve the link power control, and when the remote unit user subsequently depresses the push-to-talk button, the link is completely established and immediately responsive," (emphasis added), (page 3 of the Office Action).

The Applicants disagree with the Examiner.

Dorenbosch does not disclose sending the idle frames from a core network

The Applicants submit that in the rejection the Examiner asserts that the idle frames of Dorenbosch disclose post-speech packets sent from a core network, as in claim 1. The rejection is improper for at least the reason that Dorenbosch does not disclose that the idle frames are sent from a core network. The written description distinguishes the core network from the base stations; see pg. 5, line 31 to pg. 6, line 6 in view of pg. 1, lines 4-8; pg. 4 lines 13-14; and elements 11-12 of Fig. 1b distinguish over base stations 13a-c. Claim 1 recites server function and server in a core network.

As similarly indicated in the rejection, Dorenbosch discloses that the idle frames are transmitted by base station transceiver subsystems (paragraph [0023]). These subsystems of Dorenbosch are located in the radio-access networks (RANs) 121 and 122 (Figure 1). According to Dorenbosch the RANs comprise remote or mobile units (paragraph [0021]). Further, the Applicants submit that the RANs of Dorenbosch would need to be connected by a core network in order to communicate with one another. Thus, the RANs themselves are not seen to be core networks as appears to be asserted in the rejection; core networks are not access networks, and access networks are not core networks. For at least these reasons the idle frames sent from the base station transceiver subsystems located in the RANs of Dorenbosch do not disclose or suggest post-speech packets transmitted from a core network, as in claim 1.

Dorenbosch does not disclose sending idle frames to a plurality of downlinks responsive to a packet indicating end of speech samples

Dorenbosch discloses:

> "When the remote unit releases the push-to-talk button, the remote unit sends a PTT_off indication to the base station the resources remain dedicated to the remote unit for some period of time (hang time, e.g., 12 seconds)," and
>
> "During the time when the user is not depressing the push-to-talk button, the base station transceiver subsystems send idle frames to preserve the link power control. In this way, when the remote unit user subsequently depresses the push-to-talk button, the link is completely established and immediately responsive," (paragraph [0023]).

First, the PTT_off from the remote unit of Dorenbosch simply indicates that the PTT button of that remote unit is released (paragraph [0023]), thus the PTT_off is clearly not indicating end of speech samples, as asserted in the rejection. Further, the Applicants submit that, during the time the user of the remote unit is not depressing the push-to-talk, the base station transceiver subsystem of Dorenbosch is sending the idle frames to preserve only the link over which the mobile sent the PTT_off indication. Clearly, Dorenbosch does not disclose that that the base station transceiver subsystem is sending the idle frames to a plurality of links during the time that a user of a remote unit of only one of the plurality of links is not depressing the push-to-talk. In addition, a person of ordinary skill in the art would understand that for reasons of wasted power utilization alone another remote unit of Dorenbosch would only receive idle frames to preserve its link power control during the time a user of the another remote unit is not depressing the push-to-talk and after the another remote unit has also sent its own PTT_off indication to the base station. Otherwise, the system of Dorenbosch would appear to waste resources unnecessarily.

The Applicants submit that for at least these reasons it can be seen that Dorenbosch does not disclose or suggest at least where claim 1 recites in part "the server in the core network transmits the post-speech packets to the plurality of downlinks responsive to a packet indicating an end of speech samples from the uplink."

Dorenbosch does not disclose sending idle frames for a duration that a new uplink can be

established utilizing at least one downlink from a core network

According to Dorenbosch, as stated above, the idle frames are meant to preserve the link power control. Therefore, the idle frames are seen to operate at a lower layer altogether than is required for post-speech packets sent from a core network. Further, there is no indication in Dorenbosch that the idle frames are sent for a time of such duration that a new uplink can be established, as in claim 1. It is noted that, as stated above, Dorenbosch discloses that "When the remote unit releases the push-to-talk button, the remote unit sends a PTT_off indication to the base station the resources remain dedicated to the remote unit for some period of time (hang time, e.g., 12 seconds)." Thus, in Dorenbosch when the PTT_off indication is sent to the base station then the resources remain dedicated to the remote unit for a set period of time. Thus, the Applicants submit that there is no relationship disclosed in Dorenbosch regarding any duration of sending the idle frames and the resources remaining dedicated to the remote unit. The Applicants submit that, as stated above in Dorenbosch, the PTT_off indication results in the resources to the remote unit remaining dedicated, and the idles frames only sent subsequently to preserve the link power control. Additionally, the Applicants re-assert that the base station transceiver subsystem of Dorenbosch is not part of a core network.

The Applicants submit that for at least these reasons Dorenbosch does not disclose or suggest at least where claim 1 recites in part "keeping up the dedicated channel after a last speech sample packet is sent downlink from the core network by sending post-speech packets for a time of such duration that a new uplink can be established."

The proposed combination of Dorenbosch and Kuita is improper

In the Office Action the Examiner states that "Dorenbosch fails to teach a post-speech packet includes information intended for a user of a receiving terminal," (page 4 of the Office Action). The Examiner then proposes a combination with Kuita, in order to overcome this admitted shortfall, citing where Kuita discloses that a bearer's directory number and mail address are transmitted to another party during a pause period. The Applicants disagree with the Examiner.

First, although the Applicants do not agree that the proposed combination of Dorenbosch and Kuita is even suggested, the Applicants submit that a person of ordinary skill in the art would not be motivated to combine the references.

In Kuita, when a cellular phone detects a pause in voice traffic during a one-to-one voice call, a processing unit of a controller of the phone transmits a directory number and mail address concerning the subscriber of the phone to the other party of the voice call (paragraphs [0033]-[0035]). Since this is communication between two endpoints the data is sent on a user layer for extraction by the processing unit of the other party (paragraph [0035]). Assuming arguendo that a cellular phone might transmit its own directory number and address since the cellular phone may know this data, the Applicants submit that the base station transceiver subsystem of Dorenbosch is not aware of any data concerning a subscriber at the other end of a connection.

In addition, the Applicants submit that a person of ordinary skill in the art would not consider including data in the power-control upkeep idle frames of Dorenbosch. This is for at least the reason that **substantive data such as the Kuita subscriber concerning the subscriber would need to be transmitted on a higher layer (e.g., a data layer) than the Dorenbosch idle frames for preserving power control which would be sent on a lower layer (e.g., a physical layer)**. Moreover, as similarly stated above the idle frames are transmitted between the base station transceiver subsystem and the mobile of Dorenbosch, and not between two mobiles in a one-to-one voice call as in Kuita.

The Applicants submit that, for at least these reasons, a person of ordinary skill in the art would not be motivated to combine Dorenbosch and Kuita.

Crockett and Davidson

Crockett discloses a method for initiating a group call based on a received member list (Abstract). Further, in Crockett, an MCU may perform talker arbitration when two or more call

participants are competing for control of the floor, apparently, to speak. In Crocket, a participant may request permission to talk by pressing a push to talk (PTT) button (paragraphs [0155]-[0156]).

Davidson relates to a method to transmit comfort noise across a mobile communications network (Abstract). In Davidson, when a base station receives a network silence indicator (SID) frame from a terminal the base station forwards the SID to a media gateway (MGW). The MGW then uses comfort noise level information in the SID to generate comfort noise in a destination terminal (col. 9, lines 5-12).

The Applicants submit that neither Crockett nor Davidson overcome at least the above stated shortfalls of Dorenbosch and Kuita.

The Applicants submit that, for at least the reasons stated above, even if the references were somehow combined, which is not agreed to as suggested, the proposed combination would still not disclose or suggest claim 1.

The Applicants submit that for at least the reasons stated above the rejection of claim 1 is improper. Therefore, the Applicants respectfully request that the Examiner remove the rejection and allow claim 1.

Further, as independent claims 8, 15, 22, and 24 recite features similar to claim 1, as stated above; these claims are seen to be similarly distinguishable from the references cited. Therefore, the Examiner is respectfully requested to remove the rejections and allow independent claims 8, 15, 22, and 24.

In addition, the Applicants submit that for at least the reasons stated above none of the references cited disclose or suggest at least where independent claim 12 recites in part:

"at least one of recognize or transmit post-speech packets on a packet data

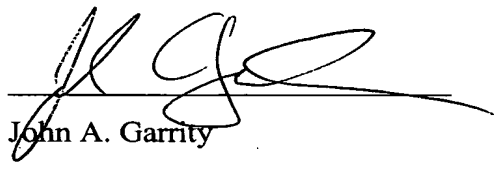
> channel responsive to a packet from a core network indicating an end of speech samples, wherein at least one post-speech packet of the post-speech packets includes information intended for a user of at least one receiving terminal, and wherein the at least one receiving terminal to which post speech packets are transmitted comprises a terminal on an uplink"

Therefore, the Examiner is requested to remove the rejection and allow claim 12.

Further, it is respectfully submitted that all dependent claims 2-5 and 7, claims 9-10, claims 13-14, claims 16-21, and claims 25-28 and 30 are allowable due to their dependence on allowable independent claims 1, 8, 12, 15, and 24, respectively.

Based on the above explanations and arguments, it is clear that the references cited cannot be seen to disclose or suggest claims 1-5, 7-10, 12-22, 24-28, and 30. The Examiner is respectfully requested to reconsider and remove the rejections of claims 1-5, 7-10, 12-22, 24-28, and 30 and to allow all of the pending claims 1-5, 7-10, 12-22, 24-28, and 30 as now presented for examination. Should any unresolved issue remain, the Examiner is invited to call Applicants' representative at the telephone number indicated below.

Respectfully submitted:



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